

**COMMITTEE ON LAND USE**  
**(Standing Committee of Berkeley County Council)**

**Chairman:** Mr. Phillip Farley, Council Member District No. 1

A **meeting** of the **Committee on Land Use**, Standing Committee of Berkeley County Council, was held on **Monday, January 9, 2012**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:04 p.m.

**PRESENT:** Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; ex-officios Mr. Daniel W. Davis, County Supervisor, Mr. Timothy J. Callanan, Council District No. 2; Mr. Robert O. Call, Council District No. 3 and Mr. Dennis Fish, Council District No. 5; Ms. Nicole Ewing, County Attorney and Ms. Catherine Windham, Interim Clerk of County Council.

*In accordance with the Freedom of Information Act, the electronic and print media were duly notified.*

Chairman Farley: "Good evening ladies and gentlemen and welcome to our Committee Meeting for County Council. I'd like to call the Committee on Land Use to order and have Mr. Chip Boling give us the invocation and Mr. Fish, to lead us in the Pledge of Allegiance to the Flag of the United States of America."

Chairman Farley: "First on the agenda is the approval of the minutes of the December 12, 2011 meeting."

Committee Member S. Davis: "Move for approval."

Committee Member Pinckney: "Second."

Chairman Farley: "I have a motion and a second. Are there any corrections to these minutes? All in favor please say Aye? (Ayes). All opposed, Nay? (No Response). The minutes stand approved as presented."

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Next is review prior to second reading of the following"

**A. Consideration** prior to **Second Reading** of the following:

- 1. Bill No. 11-45**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Amy Murray for Fred**

**Holseberg**, located at 1880 N. Main St., Summerville, **TMS #222-13-06-011** (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District**. Council District 4.

Committee Member C. Davis: "Move for approval."

Committee Member S. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member S. Davis to **approve** consideration, prior to Second Reading, **Bill No. 11-45**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Number two is...."

2. **Bill No. 11-46**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, **TMS #271-00-02-035** (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District**. Council District 8

Committee Member Pinckney: "Move for approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes). All opposed? (No Response). The motion stands, I mean approved."

It was moved by Committee Member Pinckney and seconded by Committee Member Schurlknight to **approve** consideration, prior to Second Reading, **Bill No. 11-46**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "Number three is...."

3. **Bill No. 11-47**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, **TMS #202-00-00-012** (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District 8.

Committee Member S. Davis: "Move for approval."

Committee Member C. Davis: "Second."

Chairman Farley: "I have a motion and a second. Is there any discussion? (No Response) All in favor? (Ayes). All opposed? (No Response). The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member C. Davis to **approve** consideration, prior to Second Reading, **Bill No. 11-47**. The motion passed by unanimous voice vote of the Committee.

**B. Consideration** prior to **Third Reading** of the following:

- 1. Bill No. 11-42, an ordinance to amend certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards ordinance, as amended, to govern the size, number, location, and design of all off-street parking and loading facilities in the unincorporated areas of Berkeley County.**

Committee Member D. Fish: "Mr. Chairman, I have a question for you."

Chairman Farley: "Alright. We need a motion and second before we go to discussion."

Committee Member S. Davis: "I move for approval for discussion purposes."

Chairman Farley: "Ok, do I have a second?"

Committee Member Schurlknight: "I'll second."

Chairman Farley: "I have a second. Now we can discuss, Mr. Fish."

Committee Member D. Fish: "If this is something that is approved, when does this take effect?"

Mr. Eric Greenway: "It would take effect immediately upon the application, the ordinance being signed and what we've done recently, is we've gone in and we've basically put in a sundown clause in there that basically says that any property owner that would be out of compliance with this ordinance would have six months to bring their property into compliance with the ordinance."

Committee Member D. Fish: "We have two or three in our area that you're working on currently, this would help that I'm assuming."

Mr. Eric Greenway: "That's correct, it would."

Committee Member D. Fish: "Thank you."

Committee Member Schurlknight: "Mr. Chairman?"

Chairman Farley: "Yes sir, Mr. Schurlknight?"

Committee Member Schurlknight: "Eric, is this the same ordinance we're talking about with the cars parking and they have a maximum of six cars if they have a half-acre lot?"

Mr. Eric Greenway: "Five."

Committee Member Schurlknight: "Five."

Mr. Eric Greenway: "Five."

Committee Member Schurlknight: "Ok, and also this will affect if somebody has to drive a long distance trucks or whatever and they park."

Mr. Eric Greenway: "If their property is less than .7 acre which is the minimum lot size in Flex-1 zoning classification. Give you an example of why we need to do that. Currently, that regulation applies to the R-1 zoning classification, but we have a lot of developments because of where our zoning ordinance is structured where we have a lot of developments in a Flex-1 zoning classification that our neighborhoods, for lack of better description, such as Felder Creek. Felder Creek out on the Jedburg Road intersection, those lots are you know, 6-7-8 thousand square foot lots and would not be, someone living in those neighborhoods would not be prohibited from bringing a heavy truck in those facilities because it is zoned Flex-1, so we're trying to broaden that to protect some of these other neighborhoods that are on, that are high density neighborhoods that happen to be in zoning districts other than R-1."

Committee Member Schurlknight: "But not only are, they're would be affecting the neighborhoods; that we still looking at affected rural areas also."

Mr. Eric Greenway: "It could if the lot, it would only affect that if the lot size is less than .7 acres so those people, those would be grandfathered lots from a lot size requirement. There's probably a few of those out there. But you know, people would have the ability underneath this ordinance, if they had that situation and they had such a hardship like that, where they had an existing lot of record and they've been doing it for some time and it's less than .7 acres, then they could go to the Board of Appeals and seek a variance from that regulation."

Committee Member Schurlknight: "But my biggest concern as always is just property rights. We start infringing on people's property rights and telling them how many vehicles they can own and if you got somebody's making an honest living, driving a long-distance truck and he's parking in his yard, and that's causing a problem with his employment. What has happened to bring this to the forefront? I hear you talk about neighborhoods..."

Mr. Eric Greenway: "Right"

Committee Member Schurlknight: "Developments and this stuff going on within those elements."

Mr. Eric Greenway: "Well, the number of cars in residential neighborhoods happen due to some complaints that we've received from people that have tried to put the property on the market to sell the property, the neighbors adjacent to them, you have the pictures on the screen right there. We have a situation in Goose Creek as one of the examples there, those folks...all those cars are tagged, licensed, registered, and everything. They just like to collect cars and they've got probably eighteen to twenty cars parked on this residential lot in this residential neighborhood and the lot sizes are very small, and it's impacting someone from selling their home so that they can better their lifestyle and their quality of life. It's that situation. And the other situation is we get a large amount of calls from people with heavy truck... people with neighbors that drive heavy trucks and heavy equipment and things like that. And about these folks not being neighborly whenever they're operating these vehicles, parking them on the road to keep them from getting out of their driveway, and starting them up early in the morning and letting them idle and things like that, and I can tell you, my neighbor where I live now, you know, for a period of time drove a dump truck for Murray Sand and at 4:30 in the morning, that truck was running and he left it running until he left around 5:15 to get it ready to go and you have to sit there and listen to it idle, but that's not the purpose of why we put this forward. We just got a lot of complaint from people who live in R-2 zoning classification. Some people that live in neighborhoods in the Flex-1 zoning classification about these folks being able to do that, and we just thought it was time to bring that before you all to see if we needed to correct the situation."

Committee Member Schurlknight: "Now to me, I think we have other alternatives to look at far as Felder Creek for example. If the folks at Felder Creek want to come in and change their zoning, that would help them with this problem, or another neighborhood. I think restricted covenants within that neighborhood should protect those investments. And I understand some of those restricted covenants in homeowners associations defunct and they're just not active right now. I'm just concerned about using the shotgun approach on this thing, and when you're bringing in a lot of innocent people, that's not even involved in this thing but it's gonna affect them directly."

Mr. Eric Greenway: "Yeah, and again, I don't think it's gonna affect that many people directly. You know, again, it's one of those situations where it sounds bad, but I don't really think that it's gonna be as bad as it sounds as far as our regulations and stuff. These are not the type of things that my code officers are gonna go out and look for. We don't have the time with all the other things we have to do to go out and start counting cars in people's yards, but if we do have situation that need to be addressed, then this will be a tool for us to be able to address that."

Committee Member Schurlknight: "Right."

Mr. Eric Greenway: "Now there are some concerns about the classifications that we're using because I took the language as far as the weight of the trucks from the existing ordinance"

in R-1 which is 10,000 GVW's for the trucks. You know, some folks have said that that's too tight because that would regulate a lot of utility truck drivers, utility company drivers. I think it could even impact our own water and sanitation folks, so you know, maybe we need to look at restructuring that chart to basically base it on the class of vehicles. You can go to like a class 6 vehicle, and ask people to keep from parking busses and tractor and trailers and things like that in these neighborhoods, but anything a lower class than class 6 vehicle would be exempt from the rules and they could drive those trucks home so..."

Committee Member Schurlknight: "And being from the rural areas, I do appreciate the freedom that you have in rural areas and that's in my opinion, that's why a lot of people has moved out to rural Berkeley County to get away from government."

Mr. Eric Greenway: "Yeah, and I agree with that. I don't, I understand that. That's why we basically set the limit at three-quarters of an acre in their rural zoning classifications. If you're living on less than three-quarters of an acre, and you're parking a vehicle and some heavy equipment on your property and getting up in the morning and running, you know, crankin' it up and leavin' the property, that probably gonna have an impact on your neighbors. If you live, if you live on more than that, then this ordinance ain't gonna impact you, you can drive your truck home every day and leave it there, as long as you don't park it on their property line. So, you know. Are we regulating private property? Yes. I always try to find the balance with doing that. From my standpoint, I don't, I have enough things to look at on a daily basis. If I didn't think that this was a need that the county needed to look into at this point, I certainly would not have put this before you all, if I didn't have a concern that it was something that was necessary at this point, for us to deal with."

Committee Member Schurlknight: "Well, I definitely think that this is something that needs to be debated out with Council and looked at it from all angles. There's no doubt about that, and I'm sure there are some spotty problems out there from here to there. And there again, it's trying to get a good balance. And it's just, in my opinion is, that this should really be addressed through Homeowners Associations with respect to covenances."

Mr. Eric Greenway: "Well..."

Committee Member Schurlknight: "I just think that it's just difficult for the County to come in and bird-dog some of this stuff. There's got to be a point to where the developments have got to look at it and without bringing in people from the rural area. And it could jeopardize somebody's job."

Mr. Eric Greenway: "Yeah, and I.."

Committee Member Schurlknight: "And because of that I just.."

Mr. Eric Greenway: "Yeah, and we're..."

Committee Member Schurlknight: "I feel strongly about that."

Mr. Eric Greenway: "You know, I'm one of those folks, I hope, that would lay out all their options to them. You know, if somebody came to me and said hey, you know, if I gotta move my truck or I can't park it on my property then I'm gonna lose my job, then you know, we're gonna find an option for that person to try to get some relief. But, that's not what we're interested in doing here."

Committee Member Schurlknight: "And I appreciate that, I understand that, but you know you might not be here tomorrow."

Mr. Eric Greenway: "Oh, I understand. The homeowners..."

Committee Member Schurlknight: "I might not be here tomorrow."

Mr. Eric Greenway: "The Homeowners Associations you know, tend to look to the County first in an enforcement situation."

Committee Member Schurlknight: "Right."

Mr. Eric Greenway: "Whenever they have a complaint. Just because, you know, and that's natural. You know, we have regulations, we have code enforcement officers. If they can send us out to deal with their neighbor instead of them dealing with the neighbor and possibly get in an adversarial situation with their neighbor, then they're gonna request that we go out and look at it. And again, you know, will it be difficult? I don't think it will be difficult. I think it's time for us to broaden that heavy truck requirement now. I and basically start looking at some of our regulations as far as what people can do on a residential property, and I think five vehicles is sufficient parked out in the open. Now if they have five vehicles on the property and two parked in the garage, they're not gonna be in violation of this ordinance. You know, so."

Committee Member Schurlknight: "That part you know, again, when you get into rural areas, that just, it's just kind of hard to swallow there. I do think, with the neighborhoods and stuff, we have alternatives on that, and that's through different classification of zoning that would address this with us having to come up with a whole new ordinance for it."

Mr. Eric Greenway: "Yeah, I understand."

Committee Member Schurlknight: "Thank you, Mr. Chairman."

Committee Member S. Davis: "Mr. Chairman? This would not impact any of our schools in a rural area for parking? Parking for the schools at the high schools, middle schools nothing, not requiring additional spaces."

Mr. Eric Greenway: "Not, no no. If anything, the parking requirements, the parking chart, requires less parking spaces on individual lots than the current ordinance requires."

Committee Member S. Davis: “And Jack, I do share your concern. You know, I’m a life-long resident of a rural part of the county too. I made a conscious decision to live out in a rural part of the county, and I’m concerned also about the quality of life out there for citizens. But there again, I’ve reviewed this very closely, and I don’t think that there’s too much of substantial burden which we’re requiring because the county’s just so large that there’s a need in reference of specific areas. I was thinking about the Felder Creek area when, in fact, whether or not we did have a covenant that covered that residential area.”

Mr. Eric Greenway: “Yeah, they do have covenants and restrictions but again, Felder Creek is one of those prime examples where the Homeowners Association typically calls us first and asks us to go out and take a look at it to see if there’s something we can do before they’ll get into a situation with their neighbor. In many neighborhoods like this, such as, you know, Sangaree would be covered under this. But, the Windwood subdivision, property zoned R-2. That’s off of 17-A, there’s a rather large Windwood and Chapparel Ranches, that’s a rather large neighborhood zoned R-2, R-2 RF, and many of those lots are less than .7 acres and there’s no protection for those folks. We get a lot of calls in there for people wanting us to help them out with tractor and trailer truck parking, from their neighbor.”

Committee Member S. Davis: “I support it. You know, even though I’m for property rights to the citizen but, I think here’s a bigger issue here that needs to be addressed and so I support... I hear you Jack but...no further questions.”

Chairman Farley: “Any more discussion? I have a motion and a second. All in favor? (Ayes). All opposed? (Nay). The motion carries.”

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** consideration, prior to Third Reading, of **Bill No. 11-42**. The motion passed by majority voice vote of the Committee. Committee Member Schurlknight voted Nay.

Chairman Farley: “Number two is...”

- 2. Bill No. 11-43, an ordinance to amend certain sections of Ordinance No. 01-8-35, the Berkeley County Zoning and Development Standards ordinance, as amended, to provide for the regulation uses permitted with conditions within the Light Industrial (LI) Zoning District.**

Committee Member S. Davis: “Do we have any information on that, Mr. Chairman? A little refresher?”

Mr. Eric Greenway: “Yeah, this is basically the compromise that we reached with the Bazzle re-zoning whereby we were going to...”

Committee Member S. Davis: “Move for approval.”

Committee Member Pinckney: “Second.”



Mr. Eric Greenway: “Basically make sure that junkyards aren’t allowed.”

Chairman Farley: “We have a motion and a second. Any more discussion? (No Response) All in favor? (Ayes). All opposed? (No Response). The motion carries.”

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** consideration, prior to Third Reading, of **Bill No. 11-43**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: “Number three is....”

3. **Bill No. 11-44**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Thomas & Hutton for Stanley Miles Properties, LLC, (Charleston Auto Auction)**, located at 651 Precast Lane, Moncks Corner, **TMS #196-00-00-031 & 196-00-00-105** (53.18 +/- Acres) from **PDMU, Planned Development Mixed Use District to GC, General Commercial District**. Council District 6.

Committee Member Schurlknight: “Move for approval.”

Committee Member S. Davis: “Second.”

Chairman Farley: “I have a motion and a second. Is there any discussion? (No Response). All in favor? (Ayes). All opposed? (No Response). The motion carries.”

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** consideration, prior to Third Reading, of **Bill No. 11-44**. The motion passed by unanimous voice vote of the Committee.

Committee Member Schurlknight: “Move for adjournment.”

Committee Member S. Davis: “Second.”

Chairman Farley: “I have a motion and a second. All in favor? (Ayes). All opposed? (No Response). We are adjourned.”

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **adjourn** the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

The meeting on Land Use ended at 6:22 p.m.

**COMMITTEE ON LAND USE**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Cathy S. Davis, District No. 4  
Mr. Jack H. Schurlknight, District No. 6  
Mr. Caldwell Pinckney, Jr., District No. 7  
Mr. Steve C. Davis, District No. 8

Mr. Timothy J. Callanan, District No. 2, ex officio  
Mr. Robert O. Call, District No. 3, ex officio  
Mr. Dennis Fish, District No. 5, ex officio  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday, January 9, 2012**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**INVOCATION**

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**APPROVAL OF MINUTES:**

**December 12, 2011**

**A. Review prior to Second Reading of the following:**

- 1. Bill No. 11-45**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Amy Murray for Fred Holseberg**, located at 1880 N. Main St., Summerville, TMS #222-13-06-011 (4.40 +/- Acres) from **R-1, Single Family Residential District to GC, General Commercial District**. Council District 4.  
[Staff recommended approval]  
[Planning Commission recommended approval - Unanimous]
- 2. Bill No. 11-46**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Giles Branch for Marion's Run, LLC**, located on Clements Ferry Road adjacent to Legrand Blvd, Charleston, TMS #271-00-02-035 (17.95 +/- Acres) from **R-4, Multi-Family Small Scale District to R-5, Multi-Family Large Scale District**. Council District 8

[Staff recommended approval]

[Planning Commission recommended conditional approval – Unanimous]

3. **Bill No. 11-47**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Maxie Gadsden**, located at 3484 Steed Creek Road, Huger, **TMS #202-00-00-012** (0.42 +/- Acres) from **Flex-1, Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District 8

[Staff recommended approval]

[Planning Commission recommended approval – Unanimous]

**B. Review prior to Third Reading of the following:**

1. **Bill No. 11-42**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to **govern the size, number, location, and design of all off-street parking and loading facilities in the unincorporated areas of Berkeley County**.
2. **Bill No. 11-43**, an **ordinance** to **amend** certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards ordinance, as amended, to provide for the **regulation uses permitted with conditions within the Light Industrial (LI) Zoning District**.
3. **Bill No. 11-44**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, **Re: Thomas & Hutton for Stanley Miles Properties, LLC, (Charleston Auto Auction)**, located at 651 Precast Lane, Moncks Corner, **TMS #196-00-00-031 & 196-00-00-105** (53.18 +/- Acres) from **PDMU, Planned Development Mixed Use District to GC, General Commercial District**. Council District 6.